



# **The Influence of International Organizations on the European Union: The EU as an Autonomous Legal Order?**

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Prof. Ramses A. Wessel  
University of Twente



**CLEER**

Centre for the Law of EU External Relations

# An autonomous legal order in relation to domestic legal orders

- [...] that the Community constitutes a new legal order of international law [...] (*Van Gend en Loos*)
- [...] the EEC Treaty has created its own legal system [...] (*Costa-ENEL*)
- More general trend: the autonomy of international organizations -> accountability

(R. Collins and N.D. White (Eds.), *International Organizations and the Idea of Autonomy*, 2010)

# EU autonomy in the international legal order

- The preservation of the **autonomy** of the Community legal order requires [...] (Opinion 1/100; also in Opinions 1/76 and 1/91)
- [...] an international agreement cannot affect [...] the **autonomy** of the Community legal system [...] (Case C-459/03, *MOX plant*)
  - In particular to safeguard its own judicial system

# The *Kadi* dynamics

- the institutions [...] had no **autonomous** discretion [in relation to UNSC resolutions] (Case T-315/01, *Kadi*)
- the validity of any Community measure [...] must be considered to be the expression [...] of a constitutional guarantee stemming from the EC Treaty as an **autonomous** legal system (Case C-402/05P, *Kadi*)

# *Kadi*, 30 Sept. 2010



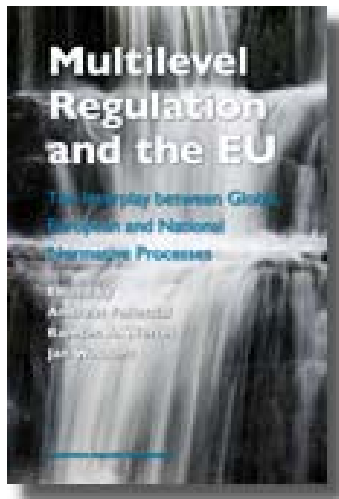
- General Court: ‘the Court of Justice thus seems to have regarded the constitutional framework created by the EC Treaty as a wholly **autonomous** legal order, not subject to the higher rules of international law [...]’
- But, the ‘criticisms are not entirely without foundation’ (Case T-85/09, *Kadi*)

# Autonomy

- From αὐτόνομος *autonomos* from αὐτο- *auto-* 'self' + νόμος *nomos*, 'law'
  - Exclusive competence to create and further develop your own legal order
    - Self-government
    - The capacity to make an informed, uncoerced decision

# Multilevel regulation

- Legal relationships between different international organizations and an influence of norms enacted by other international organizations on the EU legal order (trade, environment, health, finances, etc.)



- *Autonomous* law-making by the EU?



# Question addressed by this conference

- The strong and explicit link between the EU and a large number of other international organizations raises questions concerning the **impact of decisions taken by other international organizations** and of international agreements concluded with those organizations (either by the EU itself or by its Member States) **on the autonomy** of the EU and its Member States.

# Programme

- **Panel 1: *Academic*: Normative Impact of Decisions of International Organizations and Agreements Concluded between the EU and international Organizations**
- **Panel 2: *Views from the Outside*: How International Organizations see the EU**
- **Panel 3: *Views from the Inside*: How the EU perceives the Influence of (other) International Organizations**

# But first...

- ***Keynote Address: How Norms Enacted by an International Organization may Play a Role in the EU Legal Order***

**Prof. Jan Wouters**

***KU Leuven***

***Leuven Centre for Global  
Governance Studies***

